

1 S.240

2 Introduced by Senator Doyle

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; consumer protection

6 Statement of purpose of bill as introduced: This bill proposes to allow a parent
7 or legal guardian of a minor child to obtain credit information and request a
8 credit freeze on behalf of the minor child.

9 An act relating to protecting the credit of a minor child

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 9 V.S.A. chapter 63, subchapter 3 is amended to read:

12 Subchapter 3. Fair Credit Reporting

13 § 2480a. DEFINITIONS

14 ~~For purposes of~~ As used in this subchapter:

15 * * *

16 (6) “Proper identification,” ~~as used in this subchapter,~~ means ~~that~~:

17 (A) information generally deemed sufficient to identify a person; or

18 (B) in the case of a parent or legal guardian acting on behalf of a

19 minor child pursuant to section 2480m of this title, information generally

1 deemed sufficient to identify the parent or legal guardian, to identify the minor
2 child, and to establish parentage or legal guardianship.

3 (7) "Security freeze" means a notice placed in a credit report, at the
4 request of ~~the~~ a consumer, pursuant to section 2480h of this title.

5 § 2480b. DISCLOSURES TO CONSUMERS

6 (a) A credit reporting agency shall, upon receiving a request and proper
7 identification of ~~any~~ a consumer, clearly and accurately disclose to the
8 consumer all information available to users at the time of the request pertaining
9 to the consumer, including:

10 * * *

11 ~~§ 2480m. LIMITATIONS ON USE OF SOCIAL SECURITY NUMBERS~~

12 ~~Prior to posting or requiring the posting of a document in a place of general~~
13 ~~public circulation, an agency, board, department, commission, committee,~~
14 ~~branch, instrumentality, or authority of the State, or an agency, board,~~
15 ~~committee, department, branch, instrumentality, commission, or authority of~~
16 ~~any political subdivision of the State shall take all reasonable steps to redact~~
17 ~~any Social Security numbers from the document. Files and records made~~
18 ~~available to the public in accordance with and pursuant to 24 V.S.A. § 1165 are~~
19 ~~not considered posted in a place of general public circulation for the purposes~~
20 ~~of this section.~~

1 (2) Fail, when collecting a Social Security number from an individual in
2 a hard copy format, to segregate that number on a separate page from the rest
3 of the record, or as otherwise appropriate, in order that the Social Security
4 number can be more easily redacted pursuant to a valid public records request.

5 (3) Fail, when collecting a Social Security number from an individual, to
6 provide, at the time of or prior to the actual collection of the Social Security
7 number by that agency, that individual, upon request, with a statement of the
8 purpose or purposes for which the Social Security number is being collected
9 and used.

10 (4) Use the Social Security number for any purpose other than the
11 purpose set forth in the statement required under subdivision (3) of this
12 subsection.

13 (5) Intentionally communicate or otherwise make available to the
14 general public a person's Social Security number.

15 (6) Intentionally print or imbed an individual's Social Security number
16 on any card required for the individual to access government services.

17 (7) Require an individual to transmit the individual's Social Security
18 number over the Internet, unless the connection is secure or the Social Security
19 number is encrypted.

20 (8) Require an individual to use the individual's Social Security number
21 to access an Internet website, unless a password or unique personal

1 identification number or other authentication device is also required to access
2 the Internet website.

3 (9) Print an individual's Social Security number on any materials that
4 are mailed to the individual, unless a State or federal law, regulation, or grant
5 agreement requires that the Social Security number be on the document to be
6 mailed. A Social Security number that is permitted to be mailed under this
7 subdivision may not be printed, in whole or in part, on a postcard or other
8 mailer not requiring an envelope, or visible on an envelope, without the
9 envelope having been opened.

10 (e) Subsection (d) of this section does not apply to:

11 (1) Social Security numbers disclosed to another governmental entity or
12 its agents, employees, contractors, grantees, or grantors of a governmental
13 entity if disclosure is necessary for the receiving entity to perform its duties
14 and responsibilities. The receiving governmental entity and its agents,
15 employees, and contractors shall maintain the confidential and exempt status of
16 such numbers. As used in this subsection, "necessary" means reasonably
17 needed to promote the efficient, accurate, or economical conduct of an entity's
18 duties and responsibilities.

19 (2) Social Security numbers disclosed pursuant to a court order, warrant,
20 or subpoena, or in response to a facially valid discovery request pursuant to

1 rules applicable to a court or administrative body that has jurisdiction over the
2 disclosing entity.

3 (3) Social Security numbers disclosed for public health purposes
4 pursuant to and in compliance with requirements of the Department of Health
5 under Title 18.

6 (4) The collection, use, or release of a Social Security number
7 reasonably necessary for administrative purposes or internal verification.
8 Internal verification includes the sharing of information for internal
9 verification between and among governmental entities and their agents,
10 employees, contractors, grantees, and grantors.

11 (5) Social Security numbers that have been redacted.

12 (6)(A) A State agency or State political subdivision that has used, prior
13 to January 1, 2007, an individual's Social Security number in a manner
14 inconsistent with subsection (d) of this section, which may continue using that
15 individual's Social Security number in that manner on or after January 1, 2007,
16 if all of the following conditions are met:

17 (i) The use of the Social Security number is continuous. If the use
18 is stopped for any reason, subsection (d) of this section shall apply.

19 (ii) The individual is provided an annual disclosure that informs
20 the individual that he or she has the right to stop the use of his or her Social
21 Security number in a manner prohibited by subsection (d) of this section.

1 (iii) A written request by an individual to stop the use of his or her
2 Social Security number in a manner prohibited by subsection (d) of this section
3 is implemented within 30 days of the receipt of the request. There shall not be
4 a fee or charge for implementing the request.

5 (iv) The State agency or State political subdivision does not deny
6 services to an individual because the individual makes a written request
7 pursuant to this subdivision.

8 (B) Nothing in this subdivision (e)(6) is intended to apply to the
9 collection, use, or dissemination of Social Security numbers collected prior to
10 January 1, 2007 and exempted from the provisions of subsection (d) of this
11 section pursuant to subdivisions (1) through (5) or (7) through (11) of this
12 subsection.

13 (7) Certified copies of vital records issued by the Department of Health
14 and other authorized officials pursuant to 18 V.S.A. part 6.

15 (8) A recorded document in the official records of the town clerk or
16 municipality.

17 (9) A document filed in the official records of the courts.

18 (10) The collection, use, or dissemination of Social Security numbers by
19 law enforcement agencies and the Department of Public Safety in the
20 execution of their duties and responsibilities.

1 (11) The collection, use, or release of a Social Security number to
2 investigate or prevent fraud; conduct background checks; conduct social or
3 scientific research; collect a debt; obtain a credit report from or furnish data to
4 a consumer reporting agency pursuant to the Fair Credit Reporting Act,
5 15 U.S.C. § 1681 et seq.; undertake a permissible purpose enumerated under
6 Gramm Leach Bliley, 12 C.F.R. § 216.13-15; or locate an individual who is
7 missing, is a lost relative, or is due a benefit, such as a pension, insurance, or
8 unclaimed property benefit.

9 (f)(1) Any person has the right to request that a town clerk or clerk of court
10 remove from an image or copy of an official record placed on a town's or
11 court's Internet website available to the general public or an Internet website
12 available to the general public to display public records by the town clerk or
13 clerk of court, the person's Social Security number, employer taxpayer
14 identification number, driver's license number, State identification number,
15 passport number, checking account number, savings account number, credit
16 card or debit card number, or personal identification number (PIN) code or
17 passwords contained in that official record. A town clerk or clerk of court is
18 authorized to redact the personal information identified in a request submitted
19 under this section. The request must be made in writing, legibly signed by the
20 requester, and delivered by mail, facsimile, or electronic transmission, or
21 delivered in person to the town clerk or clerk of court. The request must

1 specify the personal information to be redacted, information that identifies the
2 document that contains the personal information and unique information that
3 identifies the location within the document that contains the Social Security
4 number, employer taxpayer identification number, driver's license number,
5 State identification number, passport number, checking account number,
6 savings account number, credit card number, or debit card number, or personal
7 identification number (PIN) code or passwords to be redacted. The request for
8 redaction shall be considered a public record with access restricted to the town
9 clerk, the clerk of court, their staff, or upon order of the court. The town clerk
10 or clerk of court shall have no duty to inquire beyond the written request to
11 verify the identity of a person requesting redaction and shall have no duty to
12 remove redaction for any reason upon subsequent request by an individual or
13 by order of the court, if impossible to do so. No fee will be charged for the
14 redaction pursuant to such request. Any person who requests a redaction
15 without proper authority to do so shall be guilty of an infraction, punishable by
16 a fine not to exceed \$500.00 for each violation.

17 (2)(A) Prior to posting or requiring the posting of a document in a place
18 of general public circulation, an agency, board, department, commission,
19 committee, branch, instrumentality, or authority of the State, or an agency,
20 board, committee, department, branch, instrumentality, commission, or

1 authority of any political subdivision of the State shall take all reasonable steps
2 to redact any Social Security numbers from the document.

3 (B) Files and records made available to the public in accordance with
4 and pursuant to 24 V.S.A. § 1165 are not considered posted in a place of
5 general public circulation for the purposes of this subdivision (2).

6 * * *

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on July 1, 2016.